

REFERENCE TITLE: minimum wage; restaurant servers

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2542

Introduced by
Representatives Gallardo, Garcia M, Kirkpatrick, Miranda B, Prezelski,
Sinema: Aguirre A, Alvarez, Bradley, Burton Cahill, Cajero Bedford,
Downing, Lopes, Lopez L, Lujan, McCune Davis, Meza, Tom

AN ACT

AMENDING SECTION 23-362, ARIZONA REVISED STATUTES; RELATING TO MINIMUM WAGES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 23-362, Arizona Revised Statutes, is amended to
3 read:

4 23-362. Minimum wage; prohibition

5 A. The legislature declares that the establishment of a uniform
6 minimum wage is a matter of statewide concern.

7 B. No political subdivision of this state may establish, mandate or
8 otherwise require a minimum wage that exceeds the federal minimum wage
9 prescribed in 29 United States Code section 206.

10 C. AN EMPLOYER IN THIS STATE MAY PAY AN EMPLOYEE A MINIMUM WAGE THAT
11 IS UP TO THREE DOLLARS PER HOUR LESS THAN THE MINIMUM WAGE REQUIRED BY THIS
12 SECTION IF THE EMPLOYEE'S PRIMARY PURPOSE IS THE SERVICE OF FOOD OR BEVERAGES
13 AND THE EMPLOYEE CUSTOMARILY AND REGULARLY RECEIVES TIPS OR GRATUITIES FROM
14 CUSTOMERS. THIS SUBSECTION APPLIES ONLY IF THE EMPLOYER CAN ESTABLISH BY
15 RECORDS OF CHARGED TIPS OR BY THE EMPLOYEE'S DECLARATION FOR FEDERAL
16 INSURANCE CONTRIBUTION PURPOSES THAT FOR EACH WEEK, BY ADDING TIPS RECEIVED
17 TO WAGES PAID, THE EMPLOYEE RECEIVED AT LEAST THE MINIMUM WAGE FOR ALL HOURS
18 WORKED UP TO FORTY HOURS PER WEEK AND TIME AND ONE-HALF TIMES THE MINIMUM
19 WAGE FOR EVERY HOUR WORKED THAT EXCEEDS A FORTY HOUR WORK WEEK. THE
20 COMMISSION SHALL ADOPT RULES TO ENFORCE THIS SUBSECTION.